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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,859	06/02/2004	Mark E. Robinson	70655.3500	3858
20322	7590	04/25/2005	EXAMINER	
SNELL & WILMER ONE ARIZONA CENTER 400 EAST VAN BUREN PHOENIX, AZ 850040001			LABAZE, EDWYN	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EL

<b>Office Action Summary</b>	<b>Application No.</b> 10/709,859	<b>Applicant(s)</b> ROBINSON ET AL.	
	<b>Examiner</b> EDWYN LABAZE	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

1. Receipt is acknowledged of amendments filed on 1/24/2005.
2. Claims 1-17 are presented for examination.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Truitt et al. (US 2003/0200182) in view of Roberts et al. (U.S. 6,295,551).

Re claims 1, 4, 9, and 14: Truitt et al. discloses method and system for processing a transaction, which includes a poller [herein broadly interpreted as the system 22] configured for substantially real-time of a billing transaction file (paragraph 0121); a splitter [herein broadly interpreted as the system 24] configured to split the transaction file into at least one subset (paragraph 0065); a card Authorization System [through the credit card authorization record 38, the gateway 40/42; as shown in fig. # 2] configured for authorizing said subset, the card authorization system configured with at least one socket (paragraphs 0059+); and a merger [herein broadly interpreted as the customer management system/CMS 58] configured to reconstruct the subset into said billing transaction file (paragraphs 0068-0078).

Truitt et al. fails to teach a queuing and wherein the system is configured to operate on a first come first served basis.

Roberts et al. teaches call center system where users and representatives conduct simultaneous voice and joint browsing sessions, which includes teach a queuing and wherein the system is configured to operate on a first come first served basis (col.5, lines 18+).

In view of Roberts et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Truitt et al. a queuing and wherein the system is configured to operate on a first come first served basis so as to provide a scheduling discipline with respect to data requests and time priority. Furthermore, such modification would provide simple fairness, enable customer management to service an earlier requester before any subsequent requestor, align requests first to last and servicing request in order received. Moreover, such modification would have been an obvious extension as taught by Truitt et al., therefore an obvious expedient.

Re claims 2 and 12: Truitt et al. teaches a system and method, wherein the transaction file is split into at least one of one, five and eight subsets (see tables 2 & 3).

Re claims 3 and 13: Truitt et al. discloses a system and method, wherein the system is configured to operate in substantially real time (paragraph 0121).

Re claims 5-6 and 15-16: Truitt et al. teaches a system and method, further comprising a logger configured to store/record factual reference information associated with a plurality of billing transaction file sizes, and wherein the logger is configured to recognized at least one of small, medium, and large transaction file sizes (paragraphs 0074+; 0146+).

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Re claims 7 and 17: Truitt et al. discloses a system and method, further comprises a formatter, wherein the formatter is configured to facilitate readability by the credit card authorization system of the transaction files (paragraphs 0060-0083).

Re claims 8 and 10: Truitt et al. teaches a system and method, wherein the billing transaction includes a billing transaction (paragraph 0078).

Re claim 11: Truitt et al. discloses a system and method, wherein the step of transferring at least one of said subsets through at least one socket further comprises transferring at least one of said subsets through at least one of one socket, five sockets, and eight sockets (paragraph 0079).

### *Response to Arguments*

5. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reeder (U.S. 5,852,812) discloses billing system for a network.

Chang et al. (U.S. 5,884,288) teaches method and system for electronic bill payment.

Haseltine et al. (U.S. 6,578,015) discloses methods, devices and systems for electronic bill presentment and payment.

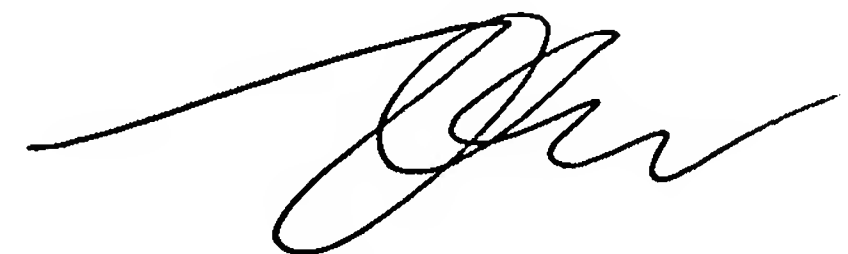
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
April 7, 2005



**THIEN M. LE**  
**PRIMARY EXAMINER**